



17 AUG 2006

CAROL WILSON
BP AMERICA INC.
MAIL CODE 5 EAST
4101 WINFIELD ROAD
WARRENVILLE IL 60555

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| In re Application of | : | |
| WARFIELD et al. | : | |
| Application No.: 10/552,389 | : | DECISION |
| PCT No.: PCT/US2004/011525 | : | |
| Int. Filing Date: 15 April 2004 | : | |
| Priority Date: 16 April 2003 | : | |
| Attorney's Docket No.: SL1226 | : | |
| For: INSTALLING A SOLAR PANEL ON A ROOF | : | |

This decision is in response to applicant's submission filed 26 June 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 April 2004, applicants filed international application PCT/US2004/011525, which designated the U.S. and claimed a priority date of 16 April 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 04 November 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 October 2005 (16 October 2005 being a Sunday).

On 07 October 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 20 June 2006, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required. This NOTIFICATION set a two month extendable period for reply.

On 26 June 2006, applicant filed the instant submission which was accompanied by, *inter alia*, a copy of Form PCT/IB/371 and a copy of a declaration under PCT Rule 4.17(iv).

DISCUSSION

The NOTIFICATION OF MISSING REQUIREMENTS mailed 20 June 2006 indicated

that a declaration of inventorship was required. However, as set forth in applicants' submission filed 26 June 2006, a declaration of inventorship under PCT Rule 4.17 was filed in the international application within the time limit under PCT Rule 26ter.1. This declaration is proper. Accordingly, the NOTIFICATION OF MISSING REQUIREMENTS mailed 20 June 2006 is hereby VACATED.

CONCLUSION

For the reasons set forth above, the NOTIFICATION OF MISSING REQUIREMENTS mailed 20 June 2006 is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.



Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459